



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-15**

May 15, 2002

Mr. Donald D'Auteuil
Second Frog Realty Trust
PO Box 707
Wolfeboro, NH 03894

RE DES Wetlands File #1998-00894 76 Kingswood Road, Wolfeboro

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Dear Mr. D'Auteuil

On three separate occasions, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wolfeboro Tax Map 244-1-3 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the initial inspection on September 8, 2000, the following was documented

1. A structure licensed as boat NH 6272BE measuring 29.7' was being used as a dock. The decking was continuous as an extension of the permitted dock and a boat with registration NH 6273BE was secured to the docking facility.
2. An area of shoreline measuring approximately 17 feet x 25 feet had been filled with gravel and patio stones.
3. Rocks and concrete slabs were placed along approximately 30 linear feet of shoreline.

During the summer of 2001, DES personnel inspected permitted lakeshore projects in Wolfeboro. On August 22, 2001, DES personnel conducted a follow-up inspection of the Property for compliance with permit 98-894, issued on October 30, 1998.

During the second inspection DES personnel confirmed the initial findings of September 8, 2000.

On April 8, 2002, while conducting a site inspection on an abutter's property, DES personnel observed the Property, owned by Second Frog Realty Trust. It was documented that the stone patio, concrete slabs and gravel were still located along the shoreline as previously noted.

In response, you are requested to take the following actions

1. Remove the 29.7' dock constructed lakeward of the 6' x 30' dock within 5 days. Submit evidence of this removal within 7 days.
2. Submit a restoration plan for the removal of the rocks, gravel, patio stone, and concrete slabs with shoreline planting plan within 20 days.
3. Upon review and written approval of the restoration plan by DES, carry out the restoration.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface

waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton,
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Mary Ann Tilton at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0689 0015

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, DES Enforcement Coordinator
Wolfeboro Conservation Commission
Wolfeboro Board of Selectmen
File 98-894